



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 4, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Tom Brown, River of Life Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

Judge Robert S. Anchondo addressed Mayor Raymond Caballero and Council Members to express his appreciation for their support during his tenure as Judge for Municipal Court No. 4. He announced his resignation to run for a higher court. Judge Anchondo stated that he had served four years as Judge for Municipal Court No. 4 and announced his resignation in order to seek election for the position of Judge for County Criminal Court No. 2. His resignation was effective as of today.

Representative Medina commended Judge Anchondo for exceeding the expectations of the Council and wished him good luck in his future endeavors.

Motion made by Representative Medina, seconded by Representative Rodriguez, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved under Consent Agenda will be shown with an asterisk {*}).

Representative Sumrall was not present for the Consent Agenda vote.

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of June 19, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, Amigo Airsho, Inc. will hold an airshow at Biggs Army Airfield, Ft. Bliss, Texas on October 13th and 14th, 2001.

WHEREAS, Amigo Airsho, Inc. has requested that the City of El Paso advertise in the programs and other promotional materials distributed and aired in connection with the Airsho;

WHEREAS, the City Council finds that the Airsho activities are a benefit for the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract for Advertising with Amigo Airsho, Inc. for the sum of \$15,000.00; and

That the Director of Aviation, or his designee be authorized to distribute information and promotional materials contributed by the Airport, participating airlines and other airport tenants and contractors during the Amigo Airsho.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

One (1) platinum print by artist **Dan Budnik** entitled ***Georgia O'Keeffe at the Ghost Ranch with Pots by Juan Hamilton, New Mexico***, at a purchase price of \$2,844.00, with funds provided by the I.T. Schwartz Family in honor of Tom Lea.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the 16th Revision of the City of El Paso Arts Resources Department Direct Funding Guidelines be approved, as recommended by the Arts Resources Advisory Board and Staff.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of EIGHT THOUSAND AND NO/100THS DOLLARS (\$ 8,000.00 - \$2,000 loan/\$6,000 grant) against the following described real property:

Lot 7, Block 2, BEAUMONT ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 5, Page 26, Plat Records of El Paso County, Texas; also known and numbered as 5515 Pollard Street, El Paso, Texas 79904.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWENTY THOUSAND THREE HUNDRED AND NO/100THS DOLLARS (\$ 20,300.00 - \$8,450 loan/\$11,850 grant) against the following described real property:

Lot 8, less a portion thereof, Block 50, CIELO VISTA PARK, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 8, Page 9, Plat Records of El Paso County, Texas, and being more particularly described by metes and bounds as shown in Builder's and Mechanic's Lien Contract, under File No. 78113, Film Records of El Paso County, Texas; also known and numbered as 7420 Catalpa Lane, El Paso, Texas 79925.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of THIRTEEN THOUSAND FIVE HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 13,550.00 - \$12,730 loan/\$820 grant) against the following described real property:

Lot 5 and the West 15 feet of Lot 6, Block 72, GOVERNMENT HILL ADDITION, an Addition to the City of El Paso, El Paso County, Texas; also known and numbered as 4309 Clifton Avenue, El Paso, Texas 79903.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND TWO HUNDRED AND NO/100THS DOLLARS (\$ 9,200.00 - \$6,850 grant; \$2,350 loan) as extended by Extension of Lien dated December 23, 1981, against the following described real property:

Lots 7, 8, and 9, Block 82, MORNINGSIDES HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas; also known and numbered as 3817 Polk, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution that the Deputy Director for Engineering is hereby authorized and directed to designate eight (8) offset angle parking spaces along the west right-of-way lines of Radford Street, from Montana Avenue to the alley south, thereof which will be constructed by the property owner at no cost to the City. Said right-of-way shall be used public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Reimbursement Agreement Between Agencies by and between the City of El Paso and the U.S. Department of Justice, whereby the U.S. Department of Justice will reimburse the City for certain expenses incurred relating to the handling of narcotics related cases by the Police Department from July 13, 2000 until all allocated funding for this agreement is expended by the U.S. Department of Justice; and that the Chief of Police be authorized to sign and submit all required documentation, forms and certifications to request and receive the actual reimbursements.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Local Law Enforcement Block Grant in the amount of \$576,891.00 from the U.S. Department of Justice, Bureau of Justice Assistance, for the purpose of purchasing equipment and technology to be used in the prevention crime and promotion of public safety; that the Chief of Police be authorized to submit the grant acceptance on line; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. Matching funds required in the amount of \$64,099.00.

Representative Cook asked the Police Department to explain the item and asked if monies from this grant might be utilized to purchase the radar trailers similar to what the City borrowed from the Texas Department of Transportation.

Captain Roy Davis, El Paso Police Department, made comments regarding the Grant and stated that the purpose of the Grant was to purchase equipment and technology. The monies would be utilized in the areas of training, radar equipment, mobile field force equipment, recording equipment, cameras, surveillance equipment and defibrillators. In response to Representative Cook's question regarding the use of the monies to purchase the radar trailers, Captain Davis stated that this might be a possibility. He stated that the goal of the Police Department is to have one radar trailer in each of the Representative's Districts.

Motion made by Representative Medina, seconded by Representative Cook and carried to approve the above Resolution.

Representative Power abstained from the vote.
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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso ("City"), as Metropolitan Planning Organization for the El Paso Urban Transportation Study Area, and the University of Texas at El Paso ("UTEP"), wherein UTEP will provide staff support to the Metropolitan Planning Organization. The contract period is from September 30, 2001 through September 29, 2002, at a total contract cost not to exceed \$72,000.00.

NOTE: Resolution was revised to read "The contract period is from September 30, 2001 through September 29, 2002, at a total contract cost not to exceed \$72,000.00".

Representative Sumrall asked what the Resolution encompassed and stated that this is an excellent partnership with the University.

Mr. Roy Gilyard, Metropolitan Planning Organization (MPO) Director, explained that the Resolution involves an Interlocal Agreement between the City and the University of Texas at El Paso (UTEP) which will pay for the salaries of a Graduate Assistant and Transportation Planner currently employed by the MPO. This Agreement also renews a previous contract. He stated that within the backup material provided to Council Members, an explanation of the responsibilities of UTEP were included. Mr. Gilyard stated that UTEP does provide many talents which the MPO could also utilize such as air quality analysis, etc.

Representative Rodriguez asked Mr. Gilyard how long the contract would be utilized.

Mr. Gilyard explained the dates of the contract and noted that the item was listed incorrectly on the Agenda and a revision should be made as shown above.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 010281, SUB-OBJECT 201011

1. CONTRACTOR: Erika B. Hernandez, Lifeguard I, Step 1
DATES: August 14, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-342
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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 010281, SUB-OBJECT 201011

1. CONTRACTOR: Richard A. Lafollette, Lifeguard II, Step 2
 DATES: May 30, 2001, thru September 30, 2001
 RATES PER HR: \$6.60
 CONTRACT NO: 2000/2001-340

2. CONTRACTOR: Alejandro Robles, Lifeguard I, Step 2
 DATES: June 3, 2001, thru September 30, 2001
 RATES PER HR: \$6.20
 CONTRACT NO: 2000/2001-341

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

NORTHEAST RECREATION CENTER

NO. 51510107, SUB-OBJECT 202214

1. CONTRACTOR: Ft. Bliss Officials Association, Referees Midnight Basketball
 DATES: September 21, 2001 thru August 31, 2002
 RATE PER CL: \$30.00
 MAXIMUM AMT: \$2,520.00
 CONTRACT: 2001/2002-061

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **RICHARD L. DEL HIERRO**, Information Technology, at the El Paso Water Utilities to decrease the amount of compensation effective September 14, 2001:

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and **LISA BORDAN** for the El Paso Public Library. There is no cost to the City. This is subject to the approval of Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and **DONNA SNYDER** for the El Paso Public Library. There is no cost to the City. This is subject to the approval of Civil Service Commission.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, the City awarded Construction Contract No. 2001-229, Municipal Service Center Tire Shop Improvements, to Javco Remodeling on July 24, 2001; and

WHEREAS, pursuant to Paragraph 9 of the Information for Bidders Section of the Contract, the City reserved the right to retain the successful bidder's Bid Security as liquidated damages for such Bidder's failure or refusal to execute and deliver the contract documents and required insurance certificates and bonds within fourteen (14) consecutive calendar days after Bidder has received notice of the acceptance of their bid; and

WHEREAS, Javco Remodeling, having been duly notified of acceptance of their bid, has not returned their executed contract documents, Payment and Performance Bonds and Insurance Certificates within the required time frame;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That City Council finds Javco Remodeling to be in default on Contract No. 2001-229, Municipal Service Center Tire Shop Improvements, and their Bid Bond is forfeited as liquidated damages for failure to enter into contract. The Director of Purchasing is directed to notify Javco Remodeling that this default is effective September 4, 2001.

Mr. Byron Johnson, Director of Purchasing, explained that the company could perform the duties of the job; however, they did not have the bonding capacity. The bonding company would not issue the company the necessary performance bond as required. The bid bond would be forfeited.

Representative Cook asked how long the project would be delayed. Mr. Johnson explained that the project would be delayed three (3) months. The Purchasing Department followed the rules and regulations and gave the company the opportunity to complete the project. The Bid Bond is 5% of the value of the project or approximately \$5,000.00.

Motion made by Representative Cook, seconded by Representative Sumrall and carried to approve the above Resolution.

Representative Escobar abstained from the vote.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

That the City Council hereby adopts as the prevailing hourly wage rates for "Highway" and "Heavy" construction, the most current rates as established and amended from time to time, by the U.S. Department of Labor, in accordance with the Davis-Bacon Act, as the general prevailing wage rates of per diem wages to be paid to all laborers, workmen and mechanics employed by or on behalf of the City of El Paso in construction of public works, exclusive of maintenance work, in accordance with Chapter 2258, Texas Government Code.

Representative Sumrall asked if the Department of Labor has any concerns with the above. She stated that the hourly rates were extremely low.

Mr. Byron Johnson, Director of Purchasing, explained that he attended a meeting with the Department of Labor representatives and Mayor Raymond C. Caballero where these issues were discussed. He also met with Public Works and the apprentice groups and the unions. He explained at the second meeting that all parties understood the item would be placed on today's agenda and that all parties were in agreement at that time. He then explained the time frame which took place regarding this item. He stated that if the Department of Labor makes changes, the Resolution before Council Members today allows the Purchasing Department to input the new rates at a later date.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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***RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 2nd day of October, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1009 Southside Rd., AKA 1245 Southside Rd., in El Paso, Texas, which property is more particularly described as:

Tract: 27B, Block 52, Ysleta Grant, an addition to the City of El Paso, El Paso County, Texas, according to the resurvey of said Ysleta Grant made by El Paso County, Texas for tax purposes

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Benjamin and Elizabeth Madera, 1009 Southside Rd., AKA 1245 Southside Rd., are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

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The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

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*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 25th day of September, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10701 Pleasant Hill Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 16, Block 4, Pleasant Hills Unit Four, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 60, Page 23, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Mahmoud "Mike" Nami, 10701 Pleasant Hill Drive, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

Confirming City Attorney Charles McNabb as Acting Chief Administrative Officer and setting the salary of the City Attorney.

Representative Cook congratulated Mr. McNabb.

Mr. Charlie McNabb, Interim Chief Administrative Officer, stated he was very flattered in the Mayor's confidence in him and by Council's confidence as well.

Representative Medina asked what the procedures were in order to hire a CAO.

Mr. McNabb explained that the City has hired a search firm in order to fill the position and that the search firm would be filling the position sometime in December.

Motion made by Representative Sumrall, seconded by Representative Cobos and carried to increase the salary of City Attorney Charles McNabb by 5% and that City Attorney Charles McNabb be confirmed as Acting Chief Administrative Officer, effective September 4, 2001.

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*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Guillermo G. Salas, Laborer

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*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Cashier Clerk (2)
- B. Laborer (4)

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Accountant III (1)
- B. Police Records Specialist II (6)

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*Motion made, seconded and unanimously carried to appoint Representative Anthony Cobos to the Police and Fire Pension Board of Trustees by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to appoint Bernie M. Canton to the Zoning Board of Adjustment by Representative Sariñana.

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*Motion made, seconded and unanimously carried to appoint R. L. "Bobby" Bowling, IV to the Zoning Board of Adjustment by Representative Sumrall.

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #P863-999-0130-2700, \$322.78 per month installments on a balance of \$3,873.36 for 1999 & 2000 taxes; James & Rebecca Estorga - 10713 Captain Valtr.
- B. PID #B315-000-0030-0300, \$185.16 per month installments on a balance of \$2,221.92 for 1999 & 2000 taxes; Rosalio & Yolanda Sosa - 11771 Pretty Acres Ln.
- C. PID #0827-999-1012-0034, \$191.00 per month installments on a balance of \$2,292.00 for 1994, 1995, 1996, 1997, 1998 & 1999 taxes; Rubin Diversified Subcon - 2818 N. Piedras.
- D. PID #0527-999-0001-0000, \$883.07 per month installments on a balance of \$5,298.42 for 1998, 1999 & 2000 taxes; Chavez Trucking, Inc % Eduardo F. Chavez Sr. - 4330 Rosa.
- E. PID #'s E275-000-0070-0082 & E275-000-0070-0080, \$424.99 per month installments on a balance of \$7,649.82 for 1997, 1998, 1999 & 2000 taxes; Alejandro & Bertha Vidales- 653 Madrigal.
- F. PID #S533-000-0160-23B2, \$357.59 per month installments on a balance of \$8,582.16 for 1998, 1999 & 2000 taxes, Teresa Rodriguez - 305 Marquez Rd.
- G. PID #G126-999-0020-5700, \$264.75 per month installments on a balance of \$3,177.00 for 1996, 1997 & 1998 taxes; Paula Reyes - 2930 Findley.
- H. PID #P947-999-0010-9100, \$243.18 per month installments on a balance of \$2,918.16 for 1999 & 2000 taxes; Lee E. Housen - 172 Whitney Way.
- I. PID #G569-999-1250-0900, \$794.90 per month installments on a balance of \$28,616.40 for 1995, 1996, 1997, 1999 & 2000 taxes; Robin Woodworth - 1534 Raynolds.
- J. PID #0387-999-9005-0000, \$1,845.46 per month installments on a balance of \$11,072.76 for 2000 taxes; International Hotel % Dina, Inc. - 113 Missouri.
- K. PID #G569-999-0240-5500, \$360.47 per month installments on a balance of \$2,162.82 for 2000 taxes; Martha L. & Horacio Soto - 3930 Hueco.
- L. PID #0368-999-0002-0000, \$1,172.99 per month installments on a balance of \$7,037.94 for 2000 taxes; J H M Mesa Inn & Palatine Hill % Robert C. Davis - 4151 Mesa.
- M. PID #E311-999-0010-1700, \$252.18 per month installments on a balance of \$4,539.24 for 1997, 1998, 1999 & 2000 taxes; Sharon D. Ausderau - 1510 N. Brown St.

*Motion made, seconded and unanimously carried to award Bid No. 2001-236 MultiProcess Auxiliary Power Welding Generator-Air Compressor

Award to: Airgas Southwest, Inc.
El Paso, Texas
Item(s): 1 with option O1, O2, O3, O4, O5, O6, O7, O8, O9, O10, O11 and O12
Amount: \$23,046.37

Department: Department of Aviation
Funds available: 620020-208008-500004
Funding source: Airport Capital Outlay
Total amount: \$23,046.37

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the low, responsive, and responsible bidder meeting specifications.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Multi-Process Auxiliary Power Welding Generator-Air Compressor.

Vendor offers a 1% fast payment discount if paid within 30 days.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-239 Fence Materials

Award to: M&M Fence Company
El Paso, Texas
Item(s): All
Amount: \$15,000.00 (Estimated annually)

Department: Department of Aviation
Funds available: 620003-203121
Funding source: Inventory Purchases-Materials & Supplies
Total amount: \$15,000.00

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the low, responsive, and responsible bidder meeting specifications.

This is a thirty-six (36) month requirements-type Contract for Fence Materials at the El Paso International Airport. The Contract will officially begin at 12:01 midnight, September 5, 2001.

Vendor offers a 1% fast payment discount if paid within 10 days.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-268 Radio Hardware for Patrol Cars

Award to: Holzberg Communications, Inc.
Totowa, HJ
Items: All
Amount: \$18,729.56
Department: Police

Funds available: 250201-208006
Funding source: Certificate of Obligation FY2001-Vehicular Equipment
Total Award: \$18,729.56

Police and Purchasing recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a one time purchase. In addition, Holzberg Communication, Inc., offers the City the option to purchase up to 100% of the original contract quantities, at the same unit price for an additional twelve [12] months.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

Change Order No. Three (Construction Change) to Ortega Construction Co. for "North Loop Gardens No. 1 Phase II Street & Drainage Improvement" for an increased amount of \$18,975.00. Provide for cast in place manholes for Caliche Way in lieu of pre-cast manholes.

Representative Cook questioned the percent of change orders to date.

Mr. Byron Johnson, Director of Purchasing, explained that including this change order, the percent change order is 3.78%. The total contract value, including this change order, is now \$678,110.00. The Change Order on the Agenda today is for \$18,975.00.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve Change Order No. Three (Construction Change) to Ortega Construction Co. for "North Loop Gardens No. 1 Phase II Street & Drainage Improvement" for an increased amount of \$18,975.00. Provide for cast in place manholes for Caliche Way in lieu of pre-cast manholes.

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-755 AIRPORT Funding for two (2) wide area carpet vacuums, Model Pacer 30 for terminal.

Increase	\$3,800	to	620020/500004/208008	Equipment
Increase	\$3,800	to	620020/500004/107001	Intrafund Trf In
Increase	\$3,800	to	620018/500002/107002	Estimated Rev
Increase	\$3,800	to	620018/500002/207001	Intrafund Trf Out

*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

Outdoor Market permit refund to Fidel Gastelum in the amount of \$35.00.

*Motion made, seconded and unanimously carried to approve the **AMENDED APPLICATION**: American Heart Association to hold a foot race/walk on September 8, 2001 from 6:00 a.m. to 1:00 p.m. **REVISED ROUTE**: Start inside the Chamizal, exit at Delta entrance, east on Delta to Boone, north on Boone across Paisano and into the zoo, return through Paisano entrance, cross Paisano, south on Boone, west on Delta to the Chamizal entrance, enter Chamizal and end walk. Approximately 1,500 persons and 4 vehicles will take part and 1,500 - 2,000 spectators are anticipated. This request includes permission to use amplification (stage band). PERMIT NO. 01-116

*Motion made, seconded and unanimously carried to approve the request of Guadalupe Rodriguez to block off Newman between Rio Grande and Montana on September 15, 2001 from 11:00 a.m. to 7:00 p.m. for a block party. Approximately 30 persons will participate and 15 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 01-103.

*Motion made, seconded and unanimously carried to approve the request of J.M. Hanks High School/Jennifer Adams to hold a homecoming parade on September 13, 2001 from 6:00 p.m. to 8:00 p.m. Route: Start at parking lot at southwest corner of Lee Trevino and Pebble Hills, south on Lee Trevino, west onto Anise, east into the Hanks High School parking lot. Approximately 1,000 persons, 70 vehicles and an animal will take part and 3,000 spectators are anticipated. This request includes permission to use amplification (car horns, radios & stereos). PERMIT NO. 01-105.

*Motion made, seconded and unanimously carried to approve the request of Mision Iglesia Universal de Jesucristo to use amplification (2 microphones, 2 guitars, 1 drum set, 2 amplifiers, 2 speakers, 1 bass) at Washington Park on September 8 and 9, 2001 from 7:00 p.m. to 10:00 p.m. Approximately 30 persons will use amplification and 20 spectators are anticipated. PERMIT NO. 01-109.

*Motion made, seconded and unanimously carried to approve the request of World Victory Center to use amplification (1 microphone, 2 loudspeakers) on September 8, 2001 from 2:00 p.m. to 7:00 p.m. at South El Paso Senior Center parking lot. Approximately 20 persons will use amplification and 100 spectators are anticipated. PERMIT NO. 01-111.

*Motion made, seconded and unanimously carried to approve the request of Elizabeth Branham to hold a community awareness walk on September 6, 2001 from 6:00 p.m. to 7:00 p.m. Route: Walking on the sidewalk surrounding the Men's Club located at 11701 Gateway West and at empty lot adjacent to the Men's Club (if owner allows it). Approximately 75 persons will take part.

Motion made by Representative Cook, seconded by Representative Sariñana and carried to postpone eight (8) weeks an Ordinance changing the zoning of a portion of Lot 3, Block 55, Rangers Rest Subdivision Unit One, City of El Paso, El Paso County, Texas (1015 North Zaragoza Road) from R-4 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Omar Gonzalez, M.D. / Representative: Jose M. Rubio, 651 Tepic, El Paso, TX 79912, ZC 00085.

Representatives Power and Cobos voted Nay.

Ms. Pat Aduato, Planning Director, stated that the applicant's representative requested that the item be postponed indefinitely. The Planning Department advised him that they were unable to do this; therefore, the representative requested an eight (8) week postponement in order that the applicant have time to clear up the taxes on the property. The item has been postponed since March to allow the applicant to clear up the taxes owed on the property.

Representative Cook moved to postpone the item for six (6) months. There was no second to this Motion.

Mr. Charlie McNabb, Interim Chief Administrative Officer, recommended postponing the item for eight weeks.

Mr. Juan Sandoval, Tax Assessor Collector, explained that the taxes are still delinquent and there has been contact with the Tax Department. He explained that the taxes are delinquent for the year 2000 taxes.

Representative Cook moved to postpone the item for eight (8) weeks.

Representative Sariñana commented on the year 2001 taxes.

Mr. Sandoval explained that the year 2001 taxes would be billed in October and are not delinquent until February 1, 2002.

Representative Cook questioned whether the Development Coordinating Committee (DCC) and the City Plan Commission (CPC) approved the rezoning.

Ms. Adatao explained that the DCC and CPC recommended favorably on the rezoning from R-4 to C-1. She explained the reason for the C-1 rezoning request is to allow for parking for the doctor's patients/visitors.

Representative Rodriguez asked what the payment history of this property was. She asked for a five year history of tax payments on this property.

Mr. Sandoval explained that there have been payments made on the delinquent taxes in prior months; however, not in the recent months. Mr. Sandoval stated he would provide the tax payment history of the last five years for Representative Rodriguez.

.....
ORDINANCE 14935

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF BLOCK 206, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS (400 EAST ROBINSON) FROM A-2 (APARTMENT) TO A-O (APARTMENT/OFFICE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Frank Ainsa, representing the applicant, Catholic Properties of El Paso, responded to questions by Representative Sumrall.

Ms. Pat Adatao, Planning Director, explained that this specific property was outside the Rim/University neighborhood.

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14936

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBER 014327, WHICH CHANGED THE ZONING OF A PORTION OF TRACT 9-A AND ALL OF TRACT 10, SECTION 32, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS (11900 BLOCK OF MONTANA AVENUE) FROM R-3 (RESIDENTIAL) TO RMH/C (RESIDENTIAL MOBILE HOME/CONDITIONS) AND IMPOSING CERTAIN CONDITIONS, AND AMENDING ORDINANCE NUMBER 014328, WHICH CHANGED THE ZONING OF ALL OF TRACTS 9-B AND 9-C, SECTION 32, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS (11900 BLOCK OF MONTANA AVENUE) FROM R-3 (RESIDENTIAL) TO RMH/C (RESIDENTIAL MOBILE HOME/CONDITIONS) AND IMPOSING CERTAIN CONDITIONS, TO RELEASE THE ZONING CONDITION. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Aauto, Planning Director, explained the Ordinance amendment to Council Members.

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of t Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14937

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING PREPARED FOODS TO USE A PORTION OF MARWOOD PARK FROM 7:00 AM UNTIL 8:00 PM ON SEPTEMBER 9, 2001**

Motion duly made by Representative Cobos, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 4929 Wichita Circle, in El Paso, Texas, which property is more particularly described as follows:

Lot: 2114, Block 86, Mountain View Addition, an addition to the City of EL Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 1 Page 6 Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and

..... WHEREAS, Jose De La Luz Perez and Rosenda R. Perez, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 4th, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. That the structure can be repaired.

2. That the City Council hereby orders Owners to comply with the following requirements:

- a. That the Building be secured within (30) days; and
- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- c. That a public hearing be scheduled for November 6th, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
- d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
- e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
- f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and

~~6.~~ That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:

- a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and

- b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, presented the case to Council Members and gave the Department's recommendation(s). He commented on the amount of delinquent taxes owed as \$14,618.93. Representative Sumrall asked that the names of the property owners be listed on the Agenda.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to accept the Department's recommendation and to adopt the above resolution.

*Motion made, seconded and unanimously carried to delete the Public Hearing to determine if the Council Resolution of June 19th, 2001 for the property located at 4460 Sunrise Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried that the Director of Purchasing reject the bids submitted for Bid No. 200- 196, Airport Shuttle Buses for the Department of Aviation. This requirement was reviewed by the user department. A new solicitation, with revised specifications was issued, and awarded by City Council on August 7, 2001.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to Release and Relinquishment of Access Rights dated September 04, 1976, to allow vehicular traffic between Lot 29, Block 9, Vista Del Prado Unit Two and Socorro Road, and require a release and relinquishment of access between the subject property and Jericho Drive, if the property is rezoned for commercial uses as defined under the El Paso Municipal Code.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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*Motion made, seconded and unanimously carried to delete the presentation and discussion on the El Paso Empowerment Zone. (Ada Gonzalez)
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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone one (1) week the discussion and action on a recommendation by the Bond Overview Advisory Committee to approve and adopt three (3) proposals by the Parks Board as follows: A) That a shortfall for purchase of a 58-acre site for the Northeast Regional Park come out of contingency.; B) That the sum of \$122,000 for lighting at the Alta Vista Ball Field be moved from Year 8 to Year 2 and the sum of \$178,000 for lighting at the Veterans Park Ball Field be moved from Year 9 to Year 2, on the basis of safety concerns.; and C) That the City enter into an agreement with the El Paso Diablos whereby the \$40,000 identified for new seats in Sections 'A' & 'S' be used to relocate seats from behind home plate to Sections 'A' & 'S' with any remaining balance going towards the design and construction of concourses behind home plate. Additional costs for the proposed club seating shall be identified as a donation from the El Paso Diablos to the City of El Paso. City staff is instructed to take appropriate action.

Representative Sumrall expressed her concerns regarding the proposals regarding the land acquirement and the lighting.

Representative Escobar was not present for the vote.

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Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to move to the forefront:

Discussion on the Tax Increase approved by the City of El Paso. (Aurelia Roque)

Representative Sumrall was not present for the vote.

Ms. Aurelia Roque, citizen, spoke in Spanish and explained her reasons for coming before Council today. Ms. Diana Nunez, Administrative Assistant in the City Clerk's Office, translated for Ms. Roque. She explained that she had been writing letters to the Mayor regarding not raising the taxes. She also wanted to speak on behalf of the workers and elderly that cannot afford to pay their taxes.

Mayor Raymond C. Caballero stated that Council appreciated her presentation and assured her that Council Members have taken her concerns into consideration. He explained that he had never said anything about taxes one way or the other. He did agree with Ms. Roque's comment regarding El Pasoans paying higher taxes in both the sales taxes and property taxes.

Representative Medina explained that Ms. Roque is a resident in his District and that she is a very caring individual. He stated that he would meet with her and explain the tax issues thoroughly.

No action was taken regarding the discussion on the Tax Increase approved by the City of El Paso. (Aurelia Roque)

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Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to move to the forefront:

Discussion and action on the "Notice of Effective Tax Rate, 2001 Property Tax Rates in the City of El Paso" as prepared by the City of El Paso on August 17, 2001 and published in the El Paso Times as said publication violates the Texas Tax Code and the legal repercussions possible thereto. (Ray E. Gilbert, Jr.)

Representative Sumrall was not present for the vote.

Mayor Raymond C. Caballero asked Mr. Charlie McNabb, Interim Chief Administrative Officer, to explain what the position of the City was at this point.

Mr. McNabb stated that the issue of the publication regarding the \$12 million dollars in Debt Service unencumbered Schedule A may well have been an error and that the \$12 million dollars is encumbered by corresponding Debt Obligation. He stated he would be verifying the information with the Bond lawyers and if an error had been made the City would publish a corrected Notice.

Mayor Caballero explained where the possible error in the publication was made.

Mr. Ray E. Gilbert, Jr., citizen, thanked the Mayor for taking the time to speak with him. He commented on the beginning of the fiscal year date and the length of time with which the budget must be prepared. He commented on the year 1999 Debt Service, 2000 Debt Service and 2001 Debt Service. He also commented on the Airport as being self supporting and that the Bonds issued for the Bridge are Revenue Bonds; however, the amounts are shown in the debt. He questioned where the \$11,706,190.00 came from.

Mr. McNabb stated that the City would be looking into the comments raised by Mr. Gilbert; visit with the Tax and Bond Counsels and will make the necessary corrections. He explained that the \$11.7 million includes the hotel tax which pays for the Bonds on the Civic Center Expansion and other items.

Mr. Bill Chapman, Chief Financial Officer, stated that every year he presents a Schedule which is included in the budget that lists all the City's debt and debt service requirements. He then discussed the 2001 Schedule for information purposes. He stated that from year 1996-2000 the City has averaged about \$13 million worth of fund balance in the Debt Service account. He also stated that the City is considering refunding Bonds in the year 2003 and other options; that the \$11.7 million includes sources other than property tax and that the \$1.5 million is coming from the Fund Balance. He thought the confusion might be under accounting and explained what "unencumbered" means. He stated that Solid Waste operates like Enterprise Fund, meaning that in the General Fund the Department receives no property taxes to operate. He stated that Enterprise Fund is strictly fee driven, no property taxes support it.

Mayor Caballero asked Mr. Chapman where he thought the correction to the Notice printed in the newspaper might be made.

Mr. Chapman stated that he would note a "0" as the Fund Balance for the Debt Service Fund.

No action was taken regarding the discussion and action on the "Notice of Effective Tax Rate, 2001 Property Tax Rates in the City of El Paso" as prepared by the City of El Paso on August 17, 2001 and published in the El Paso Times as said publication violates the Texas Tax Code and the legal repercussions possible thereto. (Ray E. Gilbert, Jr.)

.....
Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to move to the forefront:

Discussion and action on Introduction of an Ordinance to adopt 2002 Tax Rate equal to 2001 Tax Rate of @.66/\$100 valuation. (Jaime O. Perez)

Representative Sumrall was not present for the vote.

Mr. Jaime O. Perez, citizen, asked Council Members to approve the introduction of an Ordinance to adopt 2002 Tax Rate equal to 2001 Tax Rate of @.66/\$100 valuation. He stated that he had submitted a petition with 2,900 signatures to the City Clerk's office.

Mr. Charlie McNabb, Interim Chief Administrative Officer, stated that he had not yet read the petition. He explained that an Ordinance is pending that would come up for final action at the next week's City Council Agenda. This pending Ordinance is in reference to raising property taxes in an amount necessary to fund the City's proposed budget. He explained that the City would be holding a Public Hearing on Thursday, September 6, 2001, regarding the proposal to increase taxes. A vote would be taken at next week's City Council meeting of September 11, 2001. He explained to Mr. Perez the steps necessary for him to introduce an Ordinance.

Representative Sariñana asked what action could be taken on this item today.

Mr. McNabb stated that there is already an Ordinance regarding tax rates pending. He explained the necessary steps in order to introduce and subsequently have a public hearing on an Ordinance. He explained what the City Charter states regarding introducing Ordinances.

Representative Sumrall made remarks regarding the proposed budget.

Mr. McNabb stated that the City Clerk's staff would have to verify the signatures written on the petition and if there are a requisite number of signatures whatever Ordinance is written with these signatures, this Ordinance would be presented to Council.

Mr. Perez stated that the Ordinance attached with the petition is the same Ordinance as presented on the Council Agenda today. He stated that he had another petition with 3,800 signatures which he would leave with the City Clerk to verify signatures.

Representative Sumrall explained that there may be a misconception regarding the number of signatures needed.

Mr. McNabb explained the two-step petition for Council Members. He spoke about City Charter amendments which the citizens of El Paso voted on last year.

Mayor Raymond C. Caballero asked if a petition was presented as a sign up sheet at a meeting rather than its intended purpose, would the document be acceptable.

Mr. McNabb explained that the petition has to bear the exact wording of the Ordinance on every signature sheet.

Mr. Perez stated that the petitions are required to only present names and addresses; however, his petitions include phone numbers and other information.

Representative Cobos stated that what is at stake here is giving the citizens the power and authority to vote on the proposed tax increase. He asked how Council could go wrong if Council Members let the voters decide on the proposed tax increase.

Mr. McNabb stated that State law overrides the City Charter. He explained the language regarding the provision in the State law which states if voters do not like the Tax Ordinance passed by the City Council then a roll back petition could be circulated. He commented on the two petitions currently being circulated and the circumstances which may or may not affect the outcome regarding the tax rate.

Representative Cook asked Mr. McNabb how much an election would cost.

Mr. McNabb responded \$100,000.00 for a city wide election.

Mr. Perez stated that Council could bypass the election by placing the item on the November 6th election ballot.

Mr. McNabb stated that this could not be done. He then stated, in his opinion, what appropriate action would be needed to be taken for a rollback. He referred to the City Charter for clarification purposes regarding the number of signatures that would be needed for the rollback.

Mr. Perez stated that he would like Council Members to introduce this item for the next week Council Agenda pending the City Clerk's authentication of signatures during a specified period of time.

Representative Sariñana commented on the number of signatures required.

Ms. Carole Hunter, City Clerk, stated that she had three different sets of petitions, in her possession. In these petitions the wording is different on all three.

Mr. McNabb read the wording of one petition into the record. He again referred to the City Charter for clarification and referred to the proper form for the language of the petition.

Mr. Perez clarified that the additional sheets were signed prior to last week's meeting. He stated at this meeting it was not clear what the content should be in the Ordinance.

Mr. McNabb stated that the language, which he read into the record previously, would be sufficient for the City Clerk to go through the process of authenticating the signatures in order that the requisite number of registered voters is apparent. He stated that the language on the Agenda is not proper wording for the Ordinance because this language does not divide the Debt Service and the M&O rate. He explained what actions would need to be taken so that the language regarding the Ordinance introduction would be appropriate.

Representative Power stated his concerns regarding the surplus and that the surplus would need to be researched further.

Mr. Perez stated he was asking Council Members to see to it that the authentication process be done in a timely fashion and that the item be placed on the November 6 ballot. He stated that the cost of an election in March would be enormous. He stated that Council Members could state a Motion in which Council Members reject the petition presented today.

Mr. McNabb explained that he does not believe that Council Members have the power to reject the petition once a petition is given to them. He stated that Council Members need to follow the City Charter and authenticate the petition. If the petition has the requisite number of signatures, the petition would then need to be placed on the Agenda and be treated as any other Ordinance.

At this time Representative Sariñana moved to reject the petition, seconded by Representative Cobos.

Mr. McNabb advised Council Members that the above Motion was not proper procedure under the Charter.

Ms. Lisa Turner, citizen, asked Representative Cobos to refer to the Tax Office for information regarding rights and responsibilities on property taxes. She read into the record information from a pamphlet she received from the Tax Office regarding the process an individual can take to limit a tax increase. She stated that the action taken by Representative Sariñana and Representative Cobos was unconstitutional.

Mr. Albert Jefferson, citizen, explained that he was not against the tax increase; however, he was against the amount of the tax increase.

Mr. Stu Nance, citizen, relayed to Council Members his experience with the petition presented today. He stated that he had collected 1,110 signatures in three days. He guaranteed that he would get the necessary signatures for the tax rollback.

Mr. McNabb explained that the City Clerk's office would now begin the process of authenticating the signatures.

At this time, Mayor Raymond C. Caballero excused himself from the City Council meeting.

Motion made by Representative Sariñana, seconded by Representative Cobos to reject the petition presented by Mr. Jaime O. Perez with regards to the Introduction of an Ordinance to adopt 2002 Tax Rate equal to 2001 Tax Rate of @.66/\$100 valuation. The vote was two (2) in favor (Representative Cobos and Representative Sariñana voted Aye) and six (6) opposed (Representative Sumrall, Representative Rodriguez, Representative Medina, Representative Cook, Representative Power, and Representative Escobar voted Nay). The motion did not pass.

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Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to move to the forefront:

Discussion and action on Introduction of an Ordinance amending Chapter 9.50 (Smoking in Public Places) to exclude establishments that prohibit entry to minors. (Jim Fynquist)

Representative Sumrall was not present for the vote.

Mr. Fynquist, Bar Association representative, explained that the Association wanted to propose an amendment to the Smoking Ordinance.

Representative Cobos asked Mr. Charlie McNabb, Interim Chief Administrative Officer, whether the signatures brought by Mr. Fynquist should be validated by the City Clerk's office.

Mr. McNabb explained that Mr. Fynquist could ask Council to consider an amendment to the Ordinance or if Mr. Fynquist has a petition he may present the petition to the City Clerk.

Representative Cobos asked Mr. Fynquist to hand him a copy of the Amendment. Representative Cobos then made the Motion to amend the Smoking Ordinance, Child Protection Amendment to introduce an amendment to Ordinance 9.50.080. He read the amendment into the record: to establish and prohibit entry to non adults shall be added to Article III, Chapter 9.50.080 and deleted from Article XI, Chapter 9.50.03, the following shall be added to Article V, Chapter 9.50.90(d) establishments listed under Article III, Chapter 9.50.080 shall post "Smoking Allowed" signs consistent with Chapter Provisions. All establishments listed under Article III, Chapter 9.50.080 must obtain a waiver from employees that they agree to work in a smoking environment.

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Mr. McNabb explained that the item was posted correctly on the Council Agenda today. He stated that Representative Cobos' Motion was made in the proper form; however, Mr. Fynquist would like to have his petitions returned to him.

Mr. Fynquist stated that he is allowed to host minors in his establishments as long as they do not drink. He explained that only bars would be exempt.

Representative Cook moved to postpone the discussion and action item for four weeks, Representative Rodriguez seconded his motion. He later withdrew his motion to postpone the item.

Ms. Annette Atkins, bar owner, stated that it is against the law for a minor to be in a bar. She stated that parents are negligent in allowing their children to be in an environment where alcohol is served and second hand smoke is evident.

Ms. Luann Colwell, citizen, spoke on employment and insurance rates in El Paso. She commented on individuals who work in bars that do not qualify for insurance benefits and that these individuals incur health risks while working in bars/restaurants where smoking is permitted.

Mr. Stu Nance, citizen, made comments concerning fascism.

Ms. Catherine Berg, citizen, made comments regarding the physical harm inflicted on individuals (children, employees, etc.) while in bars/restaurants. She stated that patio smoke is a danger to individual(s) health.

Ms. Lisa Turner, citizen, asked if there were any City Ordinance(s) which govern the safety of the work place. She stated that she was concerned with restaurant/bar employees' health and safety.

Another citizen remarked that she does smoke to relax and asked what the difference was between breathing pollution manufactured by automobiles and air pollution in general.

Motion made by Representative Cobos, and seconded by Representative Sumrall, to direct the City Attorney to prepare an Ordinance for introduction Amending Title 9 (Health & Safety), Chapter 9.50 (Smoking in Public Places) to exclude establishments that prohibit entry to minors. Representatives Sumrall, Sariñana, and Cobos voted Aye. Representatives Rodriguez, Medina, Cook, Power, and Escobar voted Nay. Motion did not carry 3-5.

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Motion made by Representative Sumrall, seconded by Representative Cook and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Escobar was not present for the vote.

- A. An Ordinance authorizing the lease of the Wellington Chew Senior Citizen Center to the Wellington Chew Senior Citizen Center Advisory Committee, Inc. to conduct bingo for the benefit of senior citizens.
- B. An Ordinance authorizing the lease of the Washington Park Senior Citizen Center to the Washington Park Senior Citizen Center Advisory Committee, Inc., to conduct bingo for the benefit of senior citizens.
- C. An Ordinance amending Ordinance No. 014836, which formally established the Development Coordinating Committee (DCC), to add the County of El Paso as ex-officio/nonvoting member and add the El Paso Police Department as a regular member to its membership, and revise the quorum requirement accordingly.
- D. An Ordinance amending Title 9 (Health & Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.420 (Disposal Fees), of the El Paso Municipal Code, to create customer type categories for residential and commercial customers and increase fees assessed to commercial customers. The penalty being as provided in section 9.04.390 of the El Paso Municipal Code.

- E. An Ordinance amending Title 2 (Administration and Personnel) of the City Code of El Paso to amend Chapters 2.06.010 Committee Established—Membership and 2.06.20 terms, relating to the Bond Overview Advisory Committee (BOAC) to delete the Ad Hoc Bond Committee member from the BOAC; and, to provide a one year extension be granted to any BOAC member appointed from a subordinate board whose term has expired on that board.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 18, 2001 FOR ITEMS A- E

- F. An Ordinance changing the zoning of Lots 1 and 2, Block 2, VALLE HERMOSO, El Paso, El Paso County, Texas (126 Snelson Drive) from R-4 (Residential) and A-2 (Apartment) to C-2 (Commercial) and imposing certain conditions, the penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Dr. Armando Beltran / Representative: Fermin Dorado, Dorado Engineering, Inc., 2310 Montana, El Paso, TX 79903. ZC-01040. **THIS IS AN APPEAL CASE.**
- G. An Ordinance granting Special Permit No. SU-01008, to allow for a convalescent home on a portion of Tract 20A, Block 36, YSLETA GRANT, El Paso, El Paso County, Texas (8620 Winchester Road) pursuant to Section 20.14.040.C (Zoning) of the El Paso Municipal Code, and imposing certain conditions. The penalty being provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Juan Bejar / Representative: Luis de la Cruz; 9013 Lait Drive, El Paso, TX 79925.
- H. An Ordinance granting Special Permit No. SU-01014, to allow for Governmental Uses on a portion of G. A. WILSON SURVEY NO. 91 and a portion of S. A. MAVERICK SURVEY NO. 174, El Paso, El Paso, County, Texas (Northwest Corner of Doniphan Drive and Atlantic Road) pursuant to Sections 20.36.040.A and 20.42.040.B (Zoning) of the El Paso Municipal Code. Zone: C-1 (Commercial) and C-4 (Commercial). Applicant/ Representative: City of El Paso Street Department.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 25, 2001 FOR ITEMS F- H

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move to the regular agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to send a letter to the General Services Administration (GSA) requesting that the construction project for a new federal courthouse be considered for designation under the small-business set-aside regulations of the GSA, in order to afford an opportunity to local contractors, engineers and architects.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Right-of-Way License Agreement between the EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 (the District) and the CITY OF EL PASO to cross a surface portion of the District's property at Linda Street, known as the Montoya Main Branch A Lateral right of way, for a project to encompass construction, installation, maintenance, operation, repairing and/or removing street pavement, for a fee of \$500.00.

.....
Motion made, seconded and unanimously carried to move to the regular agenda and Executive Session the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Takeover Agreement by and between the City of El Paso and Cumberland Casualty & Surety Company, as the Payment Bond Company, for the completion of the Cates Addition Street Drainage Improvements Contract and project.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to move the item into Executive Session.

Representatives Sumrall and Medina were not present for the vote.

.....
***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER
NO. 510073, SUB-OBJECT 201011**

1. CONTRACTOR: Margie Landavazo, Pre-School Instructor, Step 5
DATES: September 4, 2001, thru May 31, 2002
RATES PER HR: \$7.45
CONTRACT NO: 2001/2002-102

.....
*Motion made, seconded and unanimously carried to remove Juan Jose Godinez from Charitable Solicitations Commission as requested by Mayor Raymond C. Caballero.

.....
*Motion made, seconded and unanimously carried to appoint Lois Applebaum to the Charitable Solicitations Commission by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to appoint Manuel Bejarano to the Zoning Board of Adjustment by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to appoint Mary Stilling to the Districting Commission by Mayor Raymond C. Caballero.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Resolution that the Mayor be authorized to sign a Takeover Agreement by and between the City of El Paso and Cumberland Casualty & Surety Company, as the Payment Bond Company, for the completion of the Cates Addition Street Drainage Improvements Contract and project.

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Takeover Agreement by and between the City of El Paso and Cumberland Casualty & Surety Company, as the Payment Bond Company, for the completion of the Cates Addition Street Drainage Improvements Contract and project.

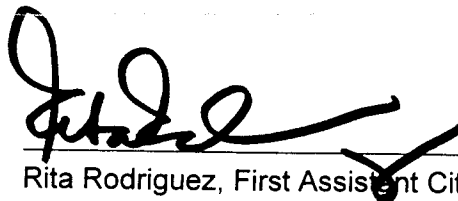
Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to adjourn this meeting at 1:20 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter

Carole Hunter, City Clerk



Rita Rodriguez, First Assistant City Attorney

